

FORM PTO-1390
(REV. 10-2003)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**

1307-27

U.S. APPLICATION NO. (If known, see 37 CFR 1.5

10/506749

INTERNATIONAL APPLICATION NO.

PCT/GB03/00966

INTERNATIONAL FILING DATE

7 March 2003

PRIORITY DATE CLAIMED

7 March 2002

TITLE OF INVENTION

RECOMBINANT SPORES

APPLICANT(S) FOR DO/EO/US

Simon Michael Cutting

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☒ The US has been elected. (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☒ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☐ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☒ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). **Unsigned**
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 20 below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A preliminary amendment.
14. ☐ An Application Data Sheet under 37 CFR 1.76.
15. ☒ A substitute specification.
16. ☒ A power of attorney and/or change of address letter. **Unsigned**
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
18. ☒ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information:
PCT Request; International Search Report; International Preliminary Examination Report

| | | | | | |
|---|--|---|--|--------------------------------------|--|
| U.S. APPLICATION NO. (if known, see 37 CFR 1.53) <div style="font-size: 2em; font-weight: bold;">10/506749</div> | | INTERNATIONAL APPLICATION NO. PCT/DE02/02244 | | ATTORNEY'S DOCKET NUMBER 0740-068 | |
|---|--|---|--|--------------------------------------|--|

| | | | | | |
|---|--------------|--------------|-----------|----------------------------------|----------|
| 21. <input checked="" type="checkbox"/> The following fees are submitted: BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)): Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO. \$1080.00 International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO \$920.00 International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO \$770.00 International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) \$730.00 International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) \$100.00 ENTER APPROPRIATE BASIC FEE AMOUNT = | | | | CALCULATIONS PTO USE ONLY | |
| | | | | \$ | 920.00 |
| Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)). | | | | \$ | |
| CLAIMS | NUMBER FILED | NUMBER EXTRA | RATE | \$ | |
| Total claims | 47 - 20 = | 27 | x \$18.00 | \$ | 486.00 |
| Independent claims | 2 - 3 = | 0 | x \$86.00 | \$ | 0.00 |
| MULTIPLE DEPENDENT CLAIM(S) (if applicable) | | | | \$ | 0.00 |
| TOTAL OF ABOVE CALCULATIONS = | | | | \$ | 486.00 |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2. | | | | \$ | |
| SUBTOTAL = | | | | \$ | 1,406.00 |
| Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)). | | | | \$ | |
| TOTAL NATIONAL FEE = | | | | \$ | 1,406.00 |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property + | | | | \$ | |
| TOTAL FEES ENCLOSED = | | | | \$ | 1,406.00 |
| | | | | Amount to be refunded: | \$ |
| | | | | charged: | \$ |

a. ☒ A check in the amount of \$ 1,406.00 to cover the above fees is enclosed.

b. ☐ Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees.
 A duplicate copy of this sheet is enclosed.

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any
 overpayment to Deposit Account No. 02-0460. A duplicate copy of this sheet is enclosed.

d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card
 information should not be included on this form.** Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137 (a)
 or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

The Maxham Firm
 Symphony Towers
 750 B Street, Suite 3100
 San Diego, CA 92101 USA
 619-233-9004

SIGNATURE
Lawrence A. Maxham
 NAME
24.483
 REGISTRATION NUMBER

10/506749

DT09 Rec'd PCT/PTO 03 SEP 2004

IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371

In re

Applicant : SIMON MICHAEL CUTTING
U.S. Application No. : UNKNOWN
International Application No. : PCT/GB03/00966
International Filing Date : 7 March 2003 (07.03.03)
For : RECOMBINANT SPORES
Priority Application Data : GB 0205376.7
Filed: 7 March 2002 (07.03.02)
Our Attorney/Docket Reference : 1307-27

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

EXPRESS MAIL LETTER

The below items are enclosed with this letter for filing the above-identified National Phase application:

1. Express Mail Certification;
2. Transmittal Letter to the U.S. Designated/Elected Office (2 pages);
3. Declaration for Patent Application (2 pages) (Unexecuted);
4. Power of Attorney (1 page) (Unexecuted);
5. Preliminary Amendment (10 pages);
6. Redlined version of specification (substitute specification, with unamended claims) (44 pages);
7. Drawing (18 sheets);
8. Request (PCT/RO/101) (4 pages);
9. International Search Report (PCT/ISA/210) (8 pages);
10. International Preliminary Examination Report (PCT/IPEA 409) (12 pages);
11. Copy of Published International Application - WO 03/074682 A1 (64 pages);
12. Check for \$1406 filing fee; and
13. Return Postcard.


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The serial number of the Express Mail certificate is EL 898591451 US, mailed on 3 September 2004.

Respectfully submitted,

SIMON MICHAEL CUTTING

By: 
Lawrence A. Maxham
Reg. No. 24,483

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"EXPRESS MAIL" MAILING LABEL NO. EL 898591451 US

DATE OF DEPOSIT: 3 September 2004

I HEREBY CERTIFY THAT THESE PAPERS AND FEE ARE
BEING DEPOSITED WITH THE UNITED STATES POSTAL
SERVICE "EXPRESS MAIL POST OFFICE TO ADDRESSEE"
SERVICE UNDER 35 U.S.C. 371 ON THE DATE
INDICATED ABOVE AND IS ADDRESSED TO MAIL STOP
PCT, COMMISSIONER FOR PATENTS, P.O. BOX 1450,
ALEXANDRIA, VA 22313-1450.

Belinda M. Owens

(NAME)

Belinda M. Owens

(SIGNATURE)